

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2020-065**

January 28, 2020

VIA ELECTRONIC MAIL

Mr. Michael Hayes

RE: FOIA Appeal 2020-065

Dear Mr. Hayes:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 (“DC FOIA”), challenging the failure of the Metropolitan Police Department (“MPD”) to respond to your FOIA request for contracts and other records related to MPD’s purchase of the Domain Awareness System (“DAS”).

On September 12, 2019, you submitted a FOIA request for records relating to the DAS contract and emails between MPD and Microsoft and the New York City Police Department (“NYPD”) regarding the DAS program. MPD did not respond to the request. On December 30, 2019, you filed an appeal challenging MPD’s failure to respond to your FOIA request. On January 23, 2020, MPD responded to your appeal.<sup>1</sup> In the response, MPD indicated that it would be referring the request for any contracts to the Office of Contracts and Procurement (“OCP”). According to MPD, the complete contract records and other documents relating to the DAS contract are maintained at OCP. In addition, MPD indicated that it had requested an email search by the Office of Chief Technology Officer (“OCTO”) for the three other categories of documents in your request.

Because your appeal only challenged MPD’s failure to respond to your FOIA request, MPD’s belated response renders this appeal moot. We therefore dismiss this appeal. However, you are free to file one or more separate appeals challenging the sufficiency of the responses once you have had an opportunity to review the responses from MPD (email search) and OCP (contract search) and any documents that may be produced, withheld or redacted.

This constitutes the final decision of this Office. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia in the Superior Court of the District of Columbia in accordance with D.C. Official Code § 2-537.

---

<sup>1</sup> A copy of MPD’s response to your appeal is attached to this decision.

Respectfully,

Mayor's Office of Legal Counsel

cc: Teresa Quon Hyden, Assistant General Counsel  
MPD (via email)